

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jenzo Duque	Team: Squad #8	CCRB Case #: 201807225	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/30/2018 7:22 PM	Location of Incident: [REDACTED]	Precinct: 79	18 Mo. SOL 2/29/2020	EO SOL 2/29/2020	
Date/Time CV Reported Thu, 08/30/2018 8:39 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/30/2018 8:39 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Emile Pratt	04876	935535	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Arnold Chow	27983	921211	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Emile Pratt	Force: Sergeant Emile Pratt used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT Emile Pratt	Force: Sergeant Emile Pratt used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint, on behalf of § 87(2)(b) with the CCRB via the On-line System on August 30, 2018.

On August 30, 2018, at approximately 7:22 p.m., in front of the McDonald's located at 1531 Fulton Street in Brooklyn, Sergeant Emile Pratt and Police Officer Arnold Chow of the 79th Precinct dispersed a group of disorderly students. Sgt. Pratt approached § 87(2)(b) pushed him, and then restrained him against the wall of the McDonald's (**Allegation A: Force, § 87(2)(g)**). After Sgt. Pratt restrained § 87(2)(b) against the wall, he then pulled him down to the ground (**Allegation B: Force, § 87(2)(g)**).

There was no video footage available for this incident. § 87(2)(b) was arrested and issued a juvenile report as a result of this incident.

Findings and Recommendations

Allegation (A) Force: Sergeant Emile Pratt used physical force against § 87(2)(b)

It is undisputed that on August 30, 2018, at approximately 7:22 p.m., in front of the McDonald's located at 1531 Fulton Street in Brooklyn, Sgt. Pratt pushed § 87(2)(b). § 87(2)(b) has no prior relationship with § 87(2)(b) and filed this complaint on his behalf as an intentent third party. According to § 87(2)(b)'s sworn statement (Board Review 01), § 87(2)(b) stood across the street from the McDonald's when she observed approximately 15 individuals standing on the sidewalk near a parking meter, an NYPD vehicle parked in front of the McDonald's, and both Sgt. Pratt and PO Chow standing beside the vehicle. The 15 individuals remained standing and did not obstruct pedestrian traffic nor vehicular traffic. Sgt. Pratt and PO Chow approached the 15 individuals and they began dispersing in two separate directions: one group westbound and the other group eastbound on Fulton Street. § 87(2)(b) then crossed the street and stood on the northeast corner of Fulton Street. Sgt. Pratt approached the westbound portion of the group and PO Chow stood in the vicinity. Sgt. Pratt commanded the individuals to disperse once; however, they had begun dispersing prior to his statement. No one in the group made statements to Sgt. Pratt. No one in the group made any sort of physical contact with Sgt. Pratt or PO Chow. Sgt. Pratt then approached § 87(2)(b) who had been walking westbound. Sgt. Pratt pushed § 87(2)(b) with two open hands in the upper torso and shoulder area from behind. § 87(2)(b) did not respond to Sgt. Pratt's push and continued walking. Sgt. Pratt made no statements to § 87(2)(b) nor did he issue him commands. Sgt. Pratt then pushed § 87(2)(b) again in a similar fashion, but with more force, as § 87(2)(b) lost his balance and stumbled forward. § 87(2)(b) did not respond to Sgt. Pratt's second push, and neither Sgt. Pratt nor § 87(2)(b) made statements to each other at that point in time. Sgt. Pratt then grabbed § 87(2)(b)'s forearms, turned him around, and pushed him against the wall of the McDonald's.

§ 87(2)(b) declined to provide a statement for this incident.

In Sgt. Pratt's statement to the CCRB (Board Review 02), Sgt. Pratt and PO Chow received a radio call regarding a disorderly group of students who refused to leave the location. Sgt. Pratt and PO Chow did not respond to the location immediately because his tour was short staffed. The call did not include a description of specific individuals, nor did the call specify that weapons were at the location. No additional information was provided between when the officers received

the call and when they responded to the location. Sgt. Pratt is familiar with the location, as his command receives calls during the school year regarding disorderly students on a weekly basis. Sgt. Pratt estimated he has received 911 calls at the location approximately 20 times, though he has not responded personally in each instance. Sgt. Pratt was not familiar with § 87(2)(b) nor had he interacted with him previously.

Sgt. Pratt and PO Chow drove the location and upon exiting their vehicle, were approached by a security guard, who stated he had asked the group of students to leave. Sgt. Pratt observed the group of students inside throwing items, not making purchases, and play-fighting. As Sgt. Pratt approached the entrance, the group of approximately 40-50 students began exiting the location. Sgt. Pratt and PO Chow commanded the group to disperse, as the students were standing on the sidewalk and blocking pedestrian traffic. Sgt. Pratt stood near the portion of the group that traveled westbound, while PO Chow stood closer to the portion of the group that traveled eastbound on Fulton Street. Both officers raised their voices and repeated commands to disperse. As students walked by the officers, they stated they knew their rights and could not be touched. Neither Sgt. Pratt nor PO Chow made physical contact with any of the students at that point in time.

The officers had been at the location for approximately 10-15 minutes and most of the group had dispersed. Sgt. Pratt observed one student, § 87(2)(b) who stood in the middle of the group and ignored his commands. § 87(2)(b) turned away from Sgt. Pratt and remained on the sidewalk, while also moving closer to the McDonald's entrance. § 87(2)(b) did not approach Sgt. Pratt at any point in time. Sgt. Pratt then approached § 87(2)(b) and commanded him to disperse at least three times. § 87(2)(b) drank from a soft drink in his left hand and continued to ignore Sgt. Pratt's commands. Sgt. Pratt then pushed § 87(2)(b) backwards in the shoulder and chest area with both hands while commanding him to move. The push caused § 87(2)(b) to take a step back, but he did not stumble or lose his balance. § 87(2)(b) extended his arms outwards and his chest forward while asking Sgt. Pratt if he was pushing him. § 87(2)(b) held the soft drink in his left hand while his right hand remained open. Sgt. Pratt commanded § 87(2)(b) to disperse once more and § 87(2)(b) did not respond. Sgt. Pratt then pushed § 87(2)(b) again and in a similar fashion, causing § 87(2)(b) to take a step back once more. § 87(2)(b) asked again if Sgt. Pratt was pushing him. Sgt. Pratt commanded § 87(2)(b) to disperse once more and § 87(2)(b) did not respond. Sgt. Pratt pushed § 87(2)(b) in a similar fashion for the third time, and § 87(2)(b) stated if Sgt. Pratt pushed him again, he would spill his soft drink in Sgt. Pratt's face.

Sgt. Pratt then grabbed § 87(2)(b) by the right shoulder and right arm, turned him around, and attempted to handcuff him. § 87(2)(b) flailed his arms from the elbow downward, in a swaying motion and away from his body. Sgt. Pratt pushed § 87(2)(b) against the wall of the McDonald's to reduce his movement, as he was resisting arrest.

According to PO Chow's statement to the CCRB (Board Review 03), PO Chow and Sgt. Pratt were on a conditions patrol in the vicinity of the location, which has a chronic condition of disorderly students. The officers observed a group of students inside the McDonald's as they drove down Fulton street. Upon arriving at the location, both officers exited their vehicle and observed approximately 20 individuals both inside and outside the McDonald's. The officers did not speak with staff members prior to engaging with the group. PO Chow did not know if individuals within the group approached Sgt. Pratt. PO Chow did not hear statements Sgt. Pratt made to his portion of the group. PO Chow did not hear Sgt. Pratt say anything to his portion of the group, nor did he hear the group say anything to Sgt. Pratt group made to Sgt. Pratt. PO Chow

did not see or hear anything from Sgt. Pratt's portion of the group that isolated § 87(2)(b) from the other individuals. PO Chow denied witnessing Sgt. Pratt push § 87(2)(b)

§ 87(2)(g)

Allegation (B): Sergeant Emile Pratt used physical force against § 87(2)(b)

It is undisputed that after pushing § 87(2)(b) against the wall of the McDonald's, Sgt. Pratt then pulled him to the ground.

According to § 87(2)(b)'s verified statement (Board Review 01), Sgt. Pratt crossed § 87(2)(b)'s arms while pushing him against the wall of the McDonald's. § 87(2)(b) rotated his wrists, but otherwise did not respond in any other physical manner to Sgt. Pratt's pushing. A crowd comprised of the group of students and other passersby formed next to Sgt. Pratt and § 87(2)(b) could not hear statements made by Sgt. Pratt at that point in time, as individuals within the crowd were yelling. Sgt. Pratt and § 87(2)(b) then moved from the wall to the ground. § 87(2)(b) acknowledged she did not know how they moved to the ground, as her view was obstructed by two to three individuals who stood in between her and what occurred at that point in time.

In Sgt. Pratt's statement to the CCRB (Board Review 02), Sgt. Pratt commanded § 87(2)(b) to stop resisting and § 87(2)(b) did not respond. Sgt. Pratt held onto § 87(2)(b)'s right arm while § 87(2)(b)'s left shoulder, left arm, and chest contacted the wall. Sgt. Pratt then grabbed § 87(2)(b) by the shoulders and pulled him to the ground. Sgt. Pratt did not recall if PO Chow assisted him in pulling § 87(2)(b) to the ground.

In PO Chow's statement to the CCRB (Board Review 03), PO Chow heard a commotion near where Sgt. Pratt was addressing the group. Sgt. Pratt and § 87(2)(b) were both lying on the ground. PO Chow did not see how Sgt. Pratt restrained § 87(2)(b) prior to moving to the ground. PO Chow did not see how Sgt. Pratt and § 87(2)(b) moved to the ground. PO Chow did not make physical contact with § 87(2)(b) until he and Sgt. Pratt were on the ground. PO Chow did not know if Sgt. Pratt pulled § 87(2)(b) down to the ground.

Sgt. Pratt acknowledged pulling § 87(2)(b) to the ground; however, he did so because § 87(2)(b) did not comply with lawful commands and resisted arrest, thereby justifying his usage of force. § 87(2)(b) stated § 87(2)(b) did not resist while Sgt. Pratt restrained him against the wall. However, § 87(2)(b) acknowledged not being able to hear any statements due to the crowd, nor being able to see how Sgt. Pratt and § 87(2)(b) moved to the ground.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 04)

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 05)
- Sgt. Pratt has been a member of service for 14 years and has been a subject in four complaints and six allegations, none of which were substantiated and two of which are pending investigation. § 87(2)(b)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for Mediation.
- As of November 7, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 06)
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 07).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 08).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date